

News

Recent findings are mixed bag for industry:

RJR found not guilty of conspiring to mislead smokers of smoking hazards; EPA says passive smoke a carcinogen

BELLEVILLE, Ill.—There's been some good news and some bad news for tobacco companies recently. And both pieces of news could have a serious effect on how manufacturers of tobacco products do business.

First the good news: A court case against RJ Reynolds, which alleged that the tobacco company had been conspiring to downplay the health risks of smoking, was decided in favor of RJ Reynolds.

The case was taken to state court here by Charles H. Kueper, a 51-year-old former smoker dying of cancer. He smoked Winston cigarettes for 20 years and was seeking \$48 million in damages.

Surgeon General warning labels have been attached to cigarette packs for about 24 years.

The jury that decided the case said although they believed some cigarette advertising may be misleading, there was no evidence to show conspiracy was involved. One juror reportedly

commented Kueper could have gotten cancer from his exposure to chemicals during his service as a Green Beret in the Vietnam War, a point made by defense attorneys during the trial.

Despite the ruling, anti-smoking activists said the verdict won't have an effect on other cases yet to come before a court involving the conspiracy issue. It was not a precedent-setting case.

The Environmental Protection Agency (EPA), however, recently released a report concluding passive smoke was a human lung carcinogen responsible for 3,000 lung cancer deaths in the U.S. each year.

Additionally, the report estimated that between 150,000 and 300,000 cases annually of bronchitis and pneumonia in children younger than 18 months old can be attributed to passive smoke.

The report could spur local governments to completely ban smoking in the workplace, including in such busi-

nesses as restaurants and bars.

In this litigious era, businesses may opt to ban smoking in the workplace to avoid lawsuits. Some fear workers' compensation claims by non-smokers who might allege that working in a smoke filled area made them sick.

Tobacco companies might also brace themselves for lawsuits brought by individuals who do not themselves smoke but who have been exposed to any level of cigarette smoke.

Cases involving passive smoke have been brought against tobacco companies before, usually unsuccessfully, but the new EPA study could spur more litigation or add fuel to already existing cases.

The EPA is reportedly counting more on the threat of plaintiff litigation, rather than government regulators, to encourage businesses to ban smoking on their premises.

U.S. tobacco companies have yet to pay out any money to a plaintiff in a liability case.

Ontario legislative, regulatory changes make smoking more difficult

TORONTO, Ont., Canada—As part of a comprehensive attack on smoking, Ontario Health Minister Frances Lankin has proposed a series of legislative and regulatory changes designed to discourage smoking, especially among youngsters.

Among the proposals: Raising the legal age for purchasing tobacco from 18 to 19; monitoring tobacco sales volumes to evaluate the progress of the health ministry's strategies in curbing tobacco use; banning tobacco sales from pharmacies; and establishing penalties to ensure compliance.

"I think this is the stupidest thing that they could do," said Ayaz Chatur, owner of Tobacco Haven here. "They're meddling in private business, and it is a

legal product. What's next? First it's pharmacies, and then what are they going to hit after that? It's a trend that's just starting that may never stop."

Chatur said although he's against the pharmacy tobacco sales ban, "It's actually a bonus to me that the drugstore can't sell, because we're in a mall and the only people selling tobacco products are the drug store and us. But I'm still very much against it. It'll be a boon to me at first. But it's just a bad trend."

The proposals are part of a comprehensive strategy, budgeted at \$4.8 million annually, to cut tobacco use in Ontario in half by the year 2,000.

In proposing the measures, Lankin said "We are determined to reduce this critical health hazard and in particular

prevent children from becoming addicted to tobacco."

The plan also targets second-hand smoke: The province would end smoking in such public places as elementary and secondary schools, hospitals, banks, retail stores, elevators, laundromats and transit shelters.

However, the government is not yet considering restricting tobacco use in art galleries and museums, theaters, sports and recreational facilities, restaurants and bars, shopping malls, places of worship, and bingo halls.

Canada already has some of the world's toughest anti smoking laws, which resulted in an estimated drop in per-capita consumption of tobacco of 41.3 percent from 1982 to 1992.

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